

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY CHARLES WREN,

Petitioner,

v.

WARDEN OF AVENAL STATE
PRISON,

Respondent.

No. 2: 20-cv-0599 WBS KJN P

ORDER

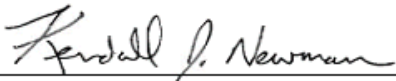
Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In the instant petition, petitioner challenges his 2008 Placer County drunk driving conviction. Petitioner is proceeding with another habeas corpus petition in this court challenging the same conviction, case 2:19-cv-251 WBS KJN P.

“[W]hen a pro se petitioner files a new petition in the district court while an earlier-filed petition is still pending, the district court must construe the new petition as a motion to amend the pending petition rather than as an unauthorized second or successive petition.” Goodrum v. Busby, 824 F.3d 1188, 1192 (9th Cir. 2016) (final emphasis added) (citing Woods v. Carey, 525 F.3d 886, 887–90 (9th Cir. 2008)).

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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to file the
2 petition filed in the instant action (ECF No. 1) as an amended petition in case 19-cv-251; the
3 Clerk of the Court shall then close the instant action.

4 Dated: April 28, 2020

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6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE
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